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Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: ASHLEE MACDONALD, AICP, SENIOR PLANNER *Am*
(480) 503-6748, ASHLEE.MACDONALD@GILBERTAZ.GOV

THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *o/l*
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: AUGUST 7, 2019

SUBJECT: FM19-01 (DR17-1197-A) HAMPTON COURT: REQUEST TO APPROVE MODIFICATIONS TO SEPARATION FENCE REQUIREMENTS TO REDUCE THE HEIGHT OF THE PERIMETER WALL LOCATED ON APPROXIMATELY 6.95 ACRES OF REAL PROPERTY GENERALLY LOCATED NORTH OF THE NORTHEAST CORNER OF VAL VISTA DR. AND RAY RD., AND ZONED MULTI FAMILY - LOW (MF-L) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STRATEGIC INITIATIVE: Prosperous Community

The proposed separation fence modification will allow for development of the Hampton Court residential development while allowing for the maintenance of an existing perimeter wall.

RECOMMENDED MOTION

Make the Findings of Fact and approve FM19-01 (DR17-1197-A) HAMPTON COURT: Request to approve modifications to separation fence requirements to reduce the height of the perimeter wall located on approximately 6.95 acres of real property generally located north of the northeast corner of Val Vista Dr. and Ray Rd., and zoned Multi Family - Low (MF-L) with a Planned Area Development (PAD) overlay.

APPLICANT/OWNER

Company: New Village Homes/Hampton Court, LLC
Name: Reed Porter
Address: 890 E. Elliot Rd., Ste 101
Gilbert, AZ 85233
Phone: 602-692-5369
Email: reedp@newvillagehomes.com

BACKGROUND/DISCUSSION**History**

| Date | Description |
|--------------------------|--|
| <i>July 11, 2018</i> | Planning Commission reviewed DR17-1197 as a study session item |
| <i>August 2, 2018</i> | Town Council approved Ordinance No. 2674 (A17-1004) annexing the subject property into the Town of Gilbert |
| <i>August 2, 2018</i> | Town Council approved Resolution No. 3988 (GP17-1018) amending the General Plan from R>0-1 DU/Acre to R>8-14 DU/Acre and Ordinance No. 2676 (Z17-1029) rezoning the subject site from Maricopa County Rural – 43 to Town of Gilbert Multi Family – Low (MF/L) with a Planned Area Development (PAD) overlay. |
| <i>September 5, 2018</i> | Planning Commission approved DR17-1197 |

Overview

The proposed development is located on a 6.95 acre parcel. Approval of DR17-1197 included a total of 56 single story multi-family units. The subject site is located north of the northeast corner of Ray Road and Val Vista Drive with access provided from Val Vista Road. The separation fence modification request proposes that the applicant maintain the existing 6' masonry wall along a portion of the northern boundary and extend that wall at the same height to the eastern edge of the property. The perimeter wall along the eastern and southern boundary will comply with the 8' height requirement.

Surrounding Land Use & Zoning Designations:

| | Existing Land Use Classification | Existing Zoning | Existing Use |
|-------|---|------------------------------|--|
| North | Residential > 0-1 DU/Acre | SF-35 | Desert Hills High School (Private) |
| South | Residential > 0-1 DU/Acre | Maricopa County Rural-43 | USA Property |
| East | Utility Corridor (UTC) | N/A | Canal and Eastern Canal Trail |
| West | Neighborhood Commercial (NC) | Neighborhood Commercial (NC) | Val Vista Drive then Western Skies Shopping Center |

| | | | |
|---------------------|------------------------------|--|--|
| Site (3 parcels) | Residential > 0-1 DU/Acre | Multi Family – Low (MF/L) with a Planned Area Development (PAD) overlay | Construction yard and “Born to Run” dog daycare. |
|---------------------|------------------------------|--|--|

DISCUSSION

The property to the north is zoned Single Family -35 (SF-35) but has developed as a school site. With the development of the school site a 6’ masonry wall was installed. The applicant’s desire is to maintain this existing wall.

FINDINGS

The Planning Commission is required to make six findings in order to approve a Separation Fence Modification request. The findings are listed here, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

1. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;

The applicant proposes to utilize the exiting wall to the north which is 6’ tall. Although the zoning on property north of the subject site is zoned Single Family – 35 (SF-35), the property is not developed residentially, rather it is developed as a school site.

2. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;

*The proposed modification is consistent with General Plan **Community Design Goal 9.0:** Encourage a balance of aesthetic design principles with functional requirements, and more specifically **Policy 9.6:** Encourage all projects to be designed to provide a visual effect consistent with the character and scale of the area. Encourage design of new buildings and retrofitting of existing buildings to articulate all facades and select materials that are durable and energy efficient.*

The proposed modification along the northern boundary provides a visual effect consistent with the existing character of the area.

3. The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements;

The proposed development is consistent with the approved Hampton Court PAD and the LDC. The proposed modification conforms to all other standards within the LDC and the approved PAD.

4. The project is compatible with adjacent and nearby development;

The LDC requires an 8 foot separation fence when a multi-family residential use is adjacent to a single family residential district or use. In this case, the property to the north is zoned single family, however, has developed with a non-residential use. An existing 6' perimeter wall is already in place along a portion of the northern boundary. This request will allow the existing portion of fence to remain and the remainder of the separation fence along the northern boundary to match the 6' height.

5. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning;

The applicant has provided a notarized letter of approval from the adjacent property owner. This letter is included as attachment 5 in this staff report.

6. The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4.109D.1: Requirement.

The separation fence is not a condition of approval in the approved PAD or Design Review.

Pursuant to the above analysis, Staff is of the opinion that the project meets the six findings required for granting the separation fence modification request.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

Staff has received no comment from the public.

PROPOSITION 207

An agreement to "Waive Claims for Diminution in Value" pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

STAFF RECOMMENDATION

Make the Findings of Fact and approve FM19-01 (DR17-1197-A) HAMPTON COURT: Request to approve modifications to separation fence requirements to reduce the height of the perimeter wall located on approximately 6.95 acres of real property generally located north of the northeast corner of Val Vista Dr. and Ray Rd., and zoned Multi Family - Low (MF-L) with a Planned Area Development (PAD) overlay. subject to conditions:

1. The Project shall be in substantial conformance with the site plan and wall detail shown on the Exhibits provided under Attachment No. 4.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ashlee MacDonald".

Ashlee MacDonald, AICP
Senior Planner

Attachments and Enclosures:

- 1) Findings of Fact
- 2) Notice of Public Hearing/Vicinity Map
- 3) Aerial Photo
- 4) Exhibits
- 5) Correspondence from American Charter Schools Foundation

**FINDINGS OF FACT
FM19-01 (DR17-1197-A)**

1. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;
2. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements;
4. The project is compatible with adjacent and nearby development;
5. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning;
6. The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4.109D.1: Requirement.

Notice of Public Hearing

PLANNING COMMISSION DATE:

Wednesday, August 7, 2019* TIME: 6:00 PM

**LOCATION: Gilbert Municipal Center
Council Chambers
50 E. Civic Center Drive
Gilbert, Arizona 85296**

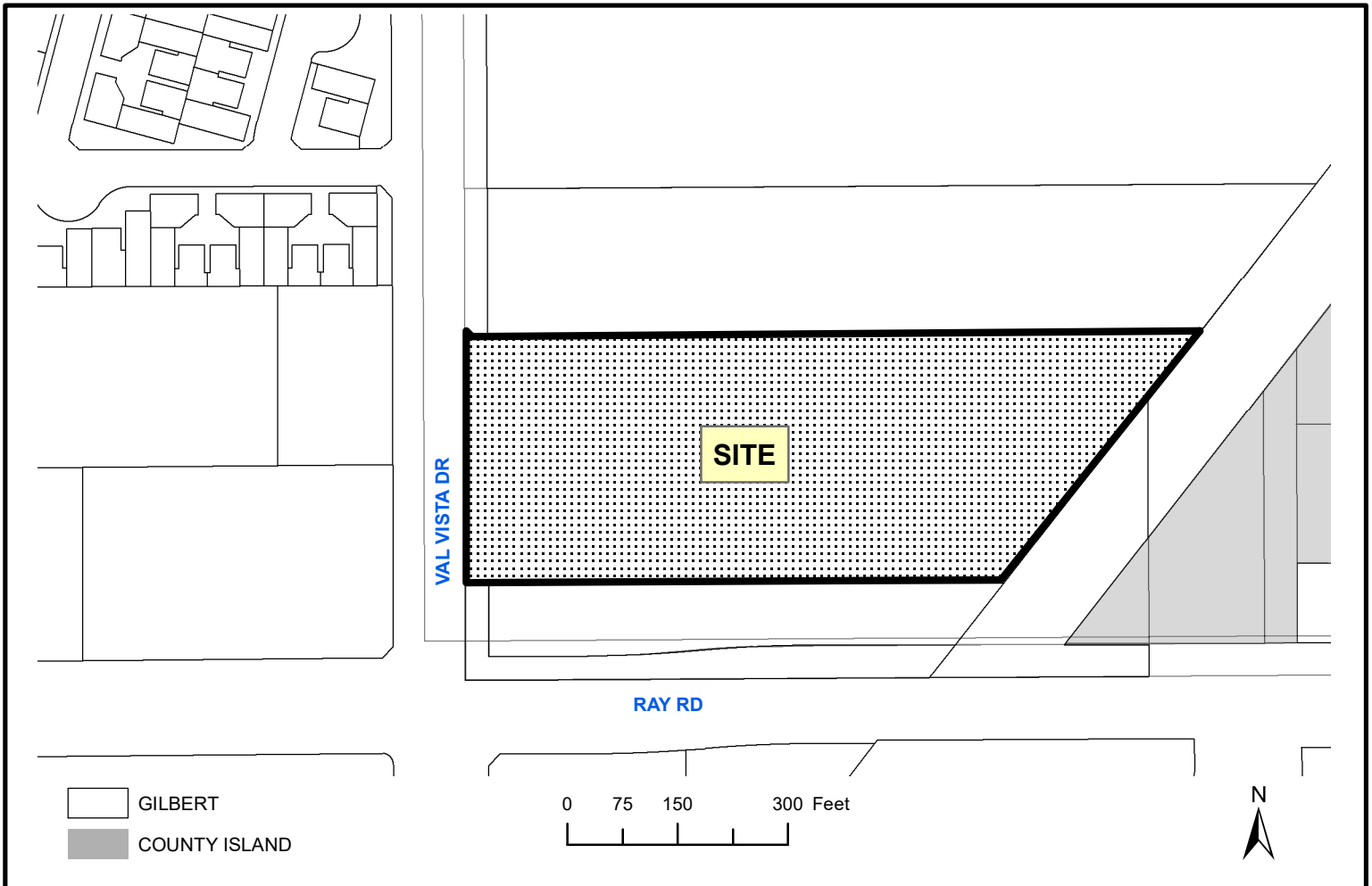
*** Call Planning Department to verify date and time:
(480) 503-6748**

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available the Monday prior to the meeting at <https://www.gilbertaz.gov/departments/development-services/planning/planning-commission>

REQUESTED ACTION:

FM19-01 (DR17-1197-A) Hampton Court: Request to approve modifications to separation fence requirements to reduce the height of the perimeter wall located on approximately 6.95 acres of real property generally located north of the northeast corner of Val Vista Dr. and Ray Rd., and zoned Multi Family - Low (MF-L) with a Planned Area Development (PAD) overlay.

SITE LOCATION:

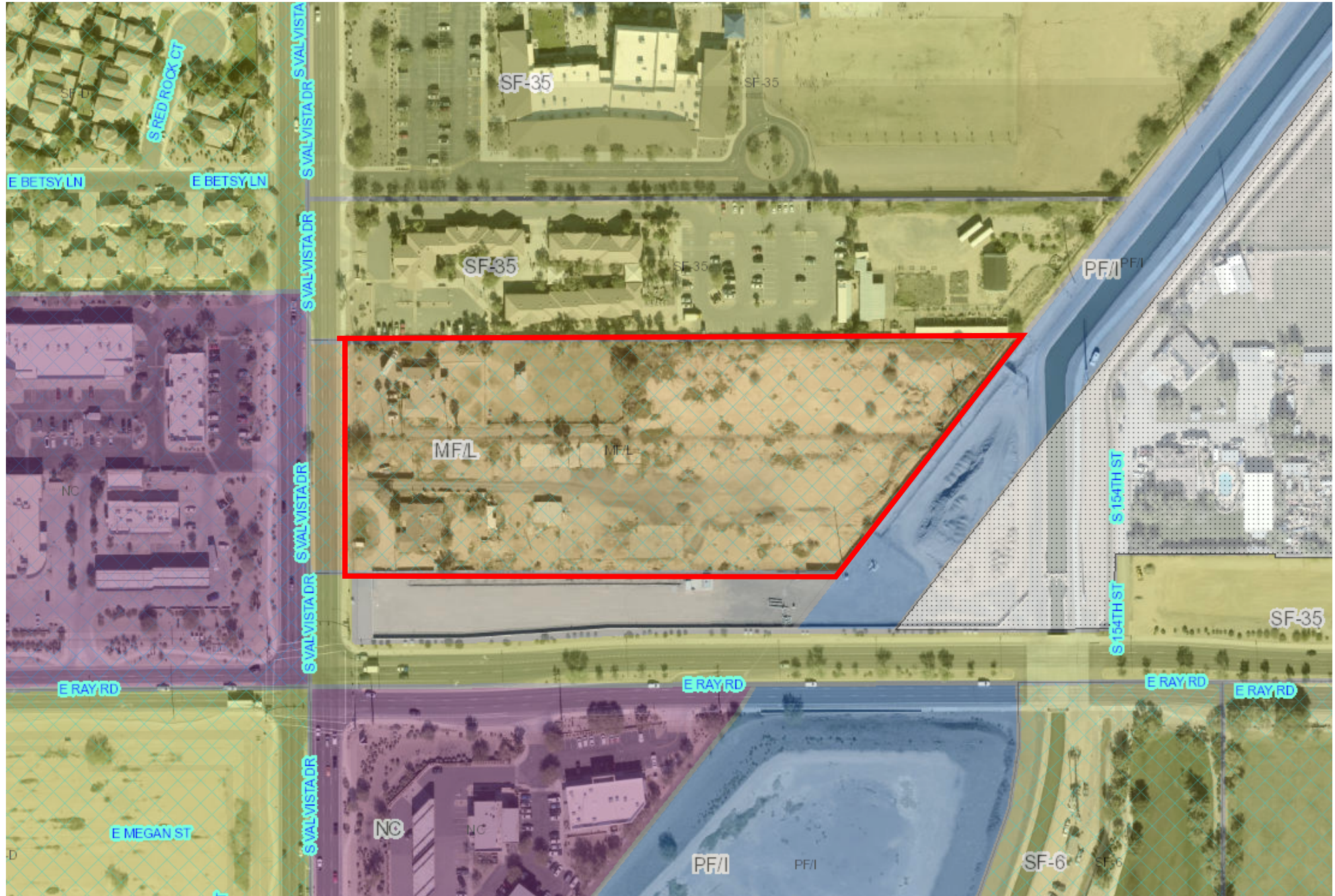


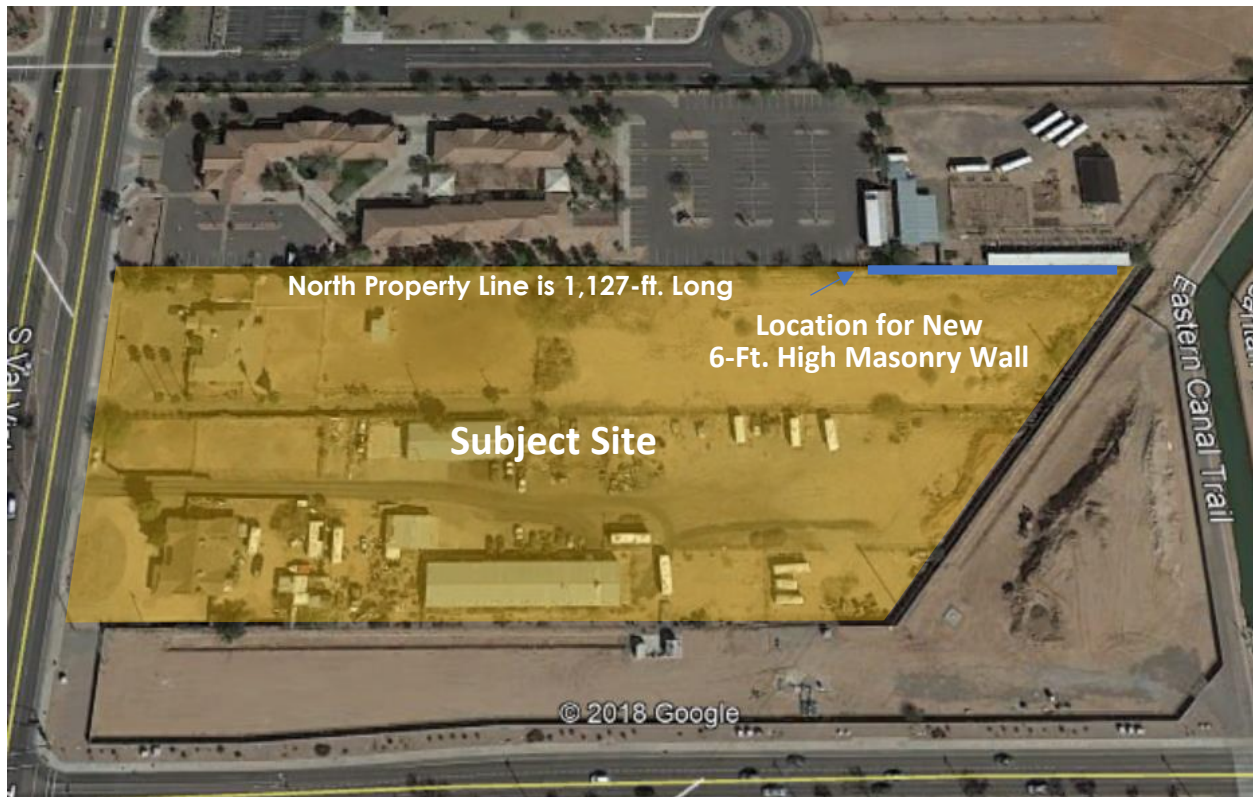
**APPLICANT: New Village Homes
CONTACT: Reed Porter
ADDRESS: 890 W. Elliot Rd., Ste. 101
Gilbert, AZ 85233**

**TELEPHONE: (602) 692-5369
E-MAIL: reedp@newvillagehomes.com**

FM19-01 (DR17-1197-A) Hampton Court
North of the NEC of Val Vista Drive and Ray Road

DR19-01 (DR17-1197-A) Hampton Court
Attachment 3: Aerial Photo
August 7, 2019





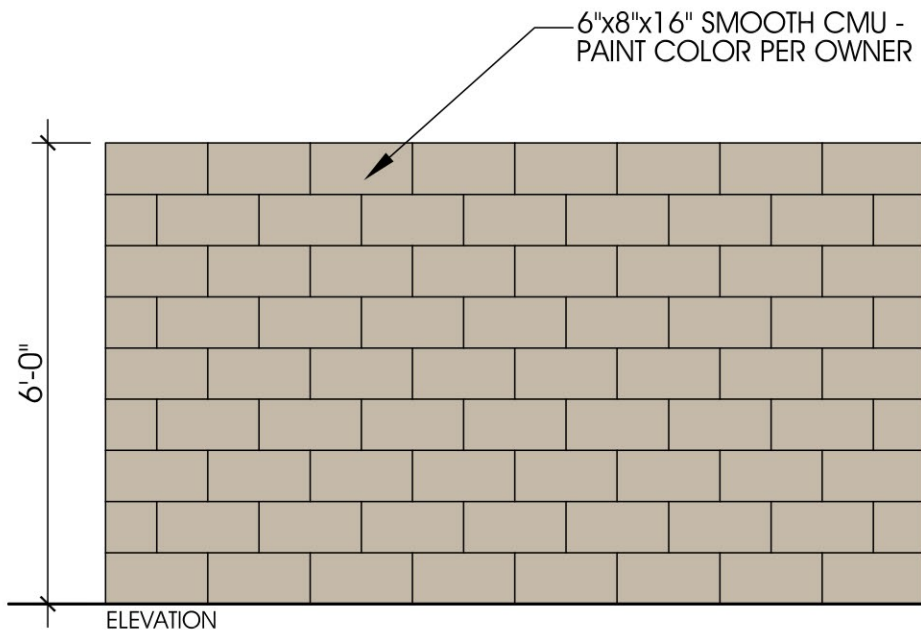
On the south property line, SRP requires an 8-ft. barrier for security – not to enhance use compatibility. SRP currently has chain link fencing and concertino razor wire on the shared south property line. We are working with SRP to construct a new 8-ft. masonry fence.



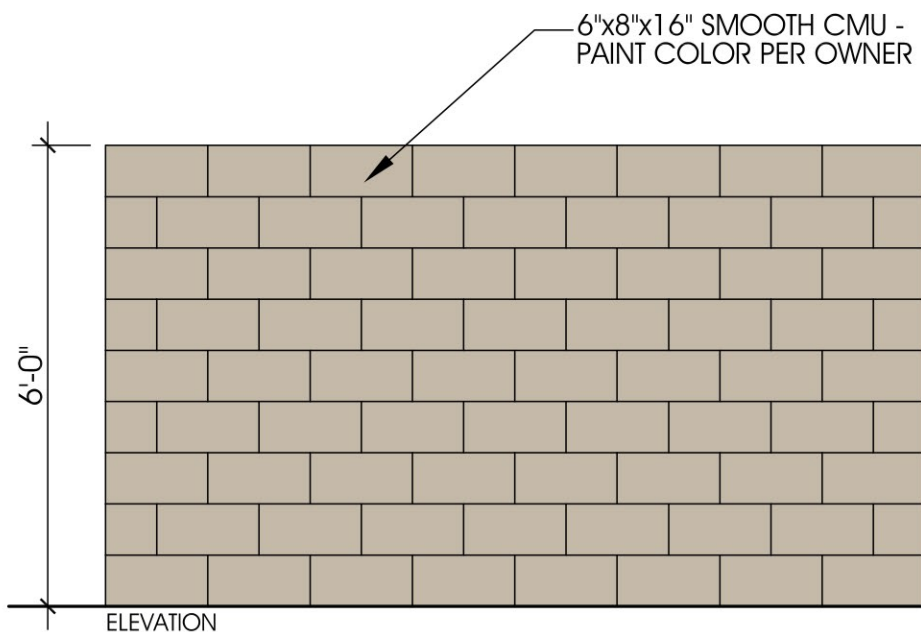
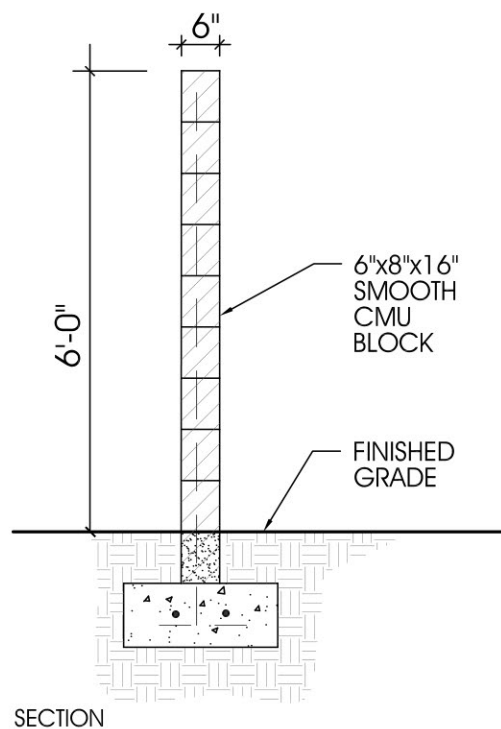
Photo of Common Wall on North Property Line



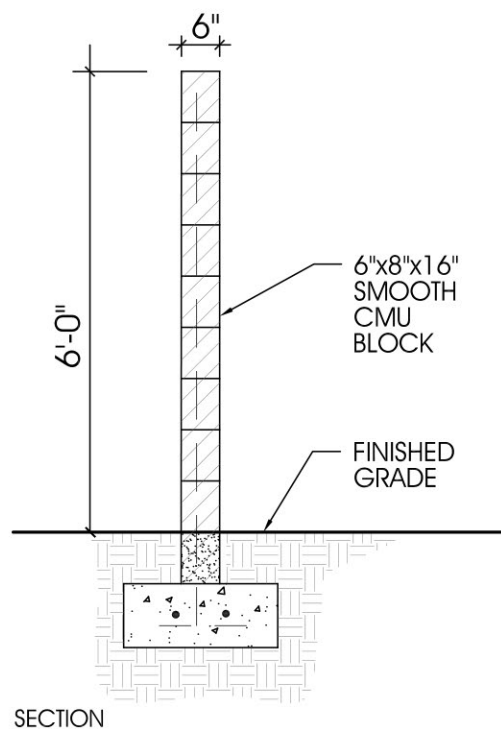
Photo of Common Wall on North Property Line



1 EXISTING CMU WALL



2 PROPOSED CMU WALL
(EXTENSION OF EXISTING CMU WALL)





February 4, 2019

SENT VIA E-MAIL ATTACHMENT

Theodore Frederick
President, American Charter Schools Foundation
c/o Desert Hills High School
1515 S. Val Vista Dr.
Gilbert, AZ 85296

RE: Town of Gilbert Separation Fence Modification Request
Desert Hills High School/"Hampton Court"

Dear Mr. Frederick:

New Village Homes is the owner of the property adjacent to and south of Desert Hills High School. As you may know, New Village Homes is proceeding with the design and development of Hampton Court, a 56-unit single family, single story rental community. If you would like to see the concept, please visit our Brighton Place project currently under construction at the southwest corner of Ray Rd. and McQueen Rd. in the City of Chandler.

I am writing to address the existing masonry wall on our common property line.

Our desire is to leave the existing masonry wall in place. At the point where the masonry wall now stops (approximately 250' west of the east property line), we propose to remove the existing old wood and wire fencing and extend the masonry wall east to the property corner. We would construct this new wall section at our expense. We would then paint our side of the wall to match our proposed perimeter wall color.

The Town of Gilbert Land Development Code requires a "separation fence" 8' in height. We believe an 8' fence between the school and our single-story units is too high, unnecessary and undesirable.

We are in the process of submitting a Separation Fence Modification application to allow the existing masonry wall to remain as is, and to extend it to the east property line as described above. I have attached the narrative for your review. One of the stated findings of fact requires a notarized letter of approval from "the owners of a majority of all real, contiguous property that are subject to the separation fence requirements."

We are requesting your written approval. If you concur, please sign and notarize below. If you would like to discuss our Hampton court project and this request in more detail, I will be happy to meet with you at your convenience. My telephone number is 602.689.9122, and my email address is bobs@newvillagehomes.com.

Thank you for your consideration.

Sincerely,

Robert C. Speirs

Acknowledgment and Approval

I hereby approve the Separation Fence Modification request by New Village Homes to leave the existing masonry wall in place along our common property line, and to extend the masonry wall at its current height to the east property line.

American Charter Schools Foundation

By:

Theodore Frederick, President

Date:

2/4/2019

STATE OF ARIZONA

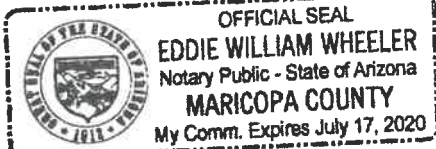
)

) ss.

County of Maricopa

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The foregoing instrument was acknowledged before me this 4 day of February, 2019, by Theodore Frederick, the President of American Charter Schools Foundation, on behalf thereof.



Notary Public

My Seal and Commission Expiration Date: July 17, 2020